



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Re: Lee Kinstle Sales & Service
OHD020279717
Van Wert County
DMWM, NWDO
Notice of Violation/Return to Compliance

April 26, 2012

Mr. Jeff Wermer
Lee Kinstle Sales & Service
650 West Ervin Road
Van Wert, Ohio 45891

Dear Mr. Wermer:

Thank you for accompanying me during the Ohio Environmental Protection Agency's (Ohio EPA's) April 11, 2012, compliance evaluation inspection (CEI) of Lee Kinstle Sales & Service's (LK's) facility located at 650 West Ervin Road, Van Wert, Ohio. I inspected LK to determine its compliance with Ohio's hazardous waste laws as found in Chapter 3734. of the Ohio Revised Code (ORC) and Chapter 3745. of the Ohio Administrative Code (OAC). During the inspection, I also helped you identify ways to prevent pollution by reducing waste.

This letter will explain the violations I found, what you need to do to correct the violations, other general concerns I have, what you need to do to respond to my general concerns, and the pollution prevention opportunities I identified.

LK is a conditionally exempt small quantity generator (CESQG) of hazardous waste that sells and services new and used automobiles. LK has a service shop and conducts light maintenance on automobiles but no longer conducts body work at this facility. A separate building next door previously housed the automotive body shop but this shop was closed several years ago. LK generates hazardous parts washer fluid, used oil, and lead-acid batteries (core exchange).

I found the following violation of Ohio's hazardous waste laws.

Violation:

1. **OAC Rule 3745-279-22 (C)(1), Used oil storage requirements for generators:**
"Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words 'Used Oil'".

Mr. Jeff Wermer
April 26, 2012
Page 2

LK failed to mark one tank and 5 oil drains of various sizes with the words "Used Oil".

During the inspection, you properly labeled the used oil containers "Used Oil".

Therefore, this violation is considered abated on April 11, 2012.

For valuable information about compliance with Ohio EPA's rules and regulations, I have enclosed the fact sheets Environmental Compliance Guide for Auto Repair Shops, dated March 2007, The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil, dated April 2006, Burning Used Oil in a Space Heater-For Businesses, dated August 2011, and Understanding the Spill Prevention, Control and Countermeasures (SPCC) Requirements, dated November 2009. You can also find additional information pertaining to regulations for auto repair shops at the website http://epa.ohio.gov/ocapp/auto_body.aspx.

General Concerns:

1. **Spent lamps:** During the inspection you stated that spent lamps have not been generated since you began working at LK around two years ago. However, you do believe that spent lamps will be generated in the future. We spoke about options that you have to manage spent lamps that will be generated at the facility in the future. For more information on universal waste, I have enclosed the fact sheets titled Universal Waste Rules for Handlers of Lamps, dated June 2005, Fluorescent Lamps: What You Should Know, dated January 2007, Universal Waste, dated August 2011, and Computer, Fluorescent Lamp and Ballast Recyclers, dated December 2011.
2. **Waste evaluations:** During the inspection, you stated that some wastes had not been generated since you took the job over two years ago. An example would be the sludge from the grease trap. You stated that you were not sure when you would generate this waste again. I discussed evaluating this waste stream through sampling and analysis to determine if it is hazardous waste the next time it is generated. As a reminder, all wastes that your facility generates must be properly evaluated per OAC 3745-52-11 in order to determine if they are a hazardous waste or not. For more information, I have enclosed the fact sheets titled Violations Most Frequently Cited by Division of Hazardous Waste Management Inspectors, printed April 16, 2012, Identifying Your Hazardous Waste, dated April 2010, Use of Generator Knowledge In Complying with OAC rule 3745-52-11 Hazardous Waste Evaluation, dated July 18, 2005, and Commercial Environmental Laboratories, printed April 16, 2012.

Mr. Jeff Wermer
April 26, 2012
Page 3

Pollution Prevention:

1. **Used Oil Filters:** During the inspection, you stated that you drain your used oil filters prior to throwing them in the trash. I observed several draining filters while I was on site. You stated that you were looking into having these oil filters recycled but could not find a facility to accept them. Ohio EPA recommends that these filters be recycled as scrap metal. For more information, I have enclosed the fact sheets titled Oil Filter Recycling and Transportation Services, printed April 16, 2012, and Fact Sheets and Information Papers, Disposal of Terne-Plated and Non Terne-Plated Oil Filters, dated January 2001.

For more information concerning aerosol cans, I have enclosed the fact sheets titled Refillable Spray Bottles, dated November 1999, Ohio Hazardous Waste Notifier, dated Winter 2002, and a letter titled Subject: Aerosol Can Management, dated October 13, 2005.

As we discussed during the inspection, you may be able to reduce the waste your company generates. If you find ways to recycle, reduce, or altogether eliminate the amount of waste that your company generates you may be able to reduce treatment and disposal costs as well as regulatory requirements. Ohio EPA has helpful information about pollution prevention at the following web address:
<http://www.epa.ohio.gov/Default.aspx?alias=www.epa.ohio.gov/ocapp>. If you would like to be considered for a free, non-regulatory on-site pollution prevention assessment, or if you would like more information about pollution prevention assessments, please contact me at the number listed below. The Ohio Department of Development's Office of Energy Efficiency may also be able to help with energy efficiency issues. Their website is at <http://www.development.ohio.gov/Energy/Default.htm>.

The Division of Materials and Waste Management has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign up for this free service. You can find more information at the following web link:
<http://ohioepa.custhelp.com/ci/documents/detail/2/subscriptionpage>. Please feel free to share this with your colleagues.

Enclosed you will find a copy of the checklists that were completed during the inspection.

Mr. Jeff Wermer
April 26, 2012
Page 4

Should you have any questions, please feel free to call me at (419) 373-3065. You can find copies of the rules and other information on the division's web page at <http://www.epa.ohio.gov/Default.aspx?alias=www.epa.ohio.gov/dhwm>.

Sincerely,

Kara Reynolds

Kara Reynolds
Environmental Specialist
Division of Materials and Waste Management

/lr

Enclosures

pc: Colleen Weaver, DMWM, NWDO
Kara Reynolds, DMWM, NWDO
Cindy Lohrbach, DMWM, NWDO

ec: Colleen Weaver, DMWM, NWDO

NOTICE:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.

Send to Central Office <input checked="" type="checkbox"/>	Ohio Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM	For Ohio EPA use only
---	---	-----------------------

Completed verification forms required to be submitted to CO should be e-mailed to brad.hauser@epa.state.oh.us.

Site EPA ID No. Site Name	EPA ID Number: OHD020279717		Website: www.leekinstle.com (Optional)					
Site Location Information	Street Address: 650 West Ervin Road							
	City, Town, or Village: Van Wert		State: OH					
	County Name: Van Wert		Zip Code: 45891					
Site Land Type (check only one) NAICS code(s) www.census.gov/epcd/www/naics.html	Private <input type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>

Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Jeff	MI:	Last Name: Wermer
	Title: Service Manager		
	Phone Number: 419-238-5902		Phone Number Extension:
	E-Mail Address: jwermer@leekinstle.com		
	Fax Number: 419-232-6667		Fax Number Extension:
	Street or P.O. Box:		
	City, Town or Village:		
	State:		Zip Code:

Legal Owner And Operator of the Site. List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	Name of Site's Legal Owner: Eric McCracken		Date Became Owner (mm/dd/yyyy): ~2008						
	Owner Type:	Private <input type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>
	Street or P.O. Box: 605 West Ervin Road								
	City, Town or Village: Van Wert		Owner Phone #: 419-238-5902						
	State: Ohio		Country: USA		Zip Code: 45891				
	Name of Site's Operator: Lee Kinstle Sales & Service		Date Became Operator (mm/dd/yyyy): ~2008						
	Operator Type:	Private <input type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>
	Street or P.O. Box: 605 West Ervin Road								
	City, Town or Village: Van Wert		Operator Phone #: 866-533-5467						
	State: Ohio		Country: USA		Zip Code: 45891				

VIOLATIONS CITED? Yes No

TYPE OF HANDLER - MARK "X" AS APPROPRIATE

<input type="checkbox"/> Not a HW Generator	<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<input type="checkbox"/> Large Quantity Generator (LQG)
	<input type="checkbox"/> Short-Term/Temporary Generator (generates from a short-term or one-time event and not from on-going processes). <i>Check the box for the applicable generator status and provide a comment.</i>	<input type="checkbox"/> Small Quantity Generator (SQG)
		<input checked="" type="checkbox"/> Conditionally Exempt Small Quantity Generator
		<input type="checkbox"/> U.S. Importer of Hazardous Waste
		<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator

PROCESS, WASTE, P2 SUMMARY SHEET

Facility Name: Lee Kinstle Sales & Service **Facility Type:** CESQG **Date of Inspection:** 04-11-2012 **EPA ID#:** OHD020279717

Waste Generated			On- or Off-Site Management		P2 Activities	
Process/Activity Generating Waste (e.g. plating bath, machining, baghouse, painting, general maintenance, etc)	Waste Description (e.g. sludge, solvent, ash, used oil, spent lamps, etc.) and EPA Waste Code, if applic.	QTY Generated per Month, Type of Accumulation (container, tank, etc) and location of waste accumulation area	Type of On-Site Treatment (recycle, wwt, etc)	Name, state, and type of activity occurring at the off-site facility.	Current P2 Activities	P2 Opportunities
1 Automotive maintenance	Used oil	300-400 gallons Tank Used oil area	Burning on-site in space heater			
2 Automotive maintenance	Antifreeze	Less than 50 gallons per month 55-gallon drum Shop		Safety-Kleen Systems, Inc., Texas	Recycle	
3 Automotive maintenance	Lead acid batteries	Varies		Tri-City Automotive Warehouse Corp, Indiana	Core Exchange	
4 Automotive maintenance	Used oil filters			Local Landfill		Recycle as scrap metal
5 Maintenance	Parts washer fluid	~20 gallons per year No on-site storage	Mixing with used oil and burnt on-site in			

				space heater			
6	Maintenance	Shop rags			Laundered through Cintas		
7							
8							
9							

REMARKS/GENERAL INFORMATION

General Process Information: See Attached Letter.

Regulatory/Enforcement History (if applicable): N/A

Additional P2 remarks and information: See Attached Letter.

Would this facility be interested in a P2 assessment? Yes* No *If yes, refer promptly to your district P2 coordinator.

Office of Compliance Assistance and Pollution Prevention - 1-800-329-7518 or p2mail@epa.state.oh.us or www.epa.state.oh.us/ocapp/ocapp.html

Other: N/A

**CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR REQUIREMENTS
COMPLETE AND ATTACH A PROCESS, WASTE, P2 SUMMARY SHEET**

CESQG: ≤100Kg. (Approximately 25-30 gallons) of waste in a calendar month or < 1 Kg. of acutely hazardous waste.
 SQG: Between 100 and 1,000 Kg. (About 25 to under 300 gallons) of waste in a calendar month.
 LQG: ≥ 1,000 Kg. (~300 gallons) of waste in a calendar month or ≥1 Kg. of acutely hazardous waste in a calendar month.
NOTE: To convert from gallons to pounds: Amount in gallons x Specific Gravity x 8.345 = Amounts in pounds.

Safety Equipment Used:

WASTE EVALUATION

1.	Have all wastes generated at the facility been adequately evaluated? [3745-52-11]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
----	--	--

GENERATOR CLASSIFICATION

2.	Does the generator produce <100 kg. of hazardous waste per month? [conditionally exempt small quantity generator ("CESQG")]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
----	--	--

NOTE: If quantities of hazardous waste accumulated on-site at any one time exceed 1,000 Kg. - or the generator produces between 100 and 1,000 Kg. of hazardous waste per month, it is operating as a Small Quantity Generator ("SQG"). If so, complete the Small Quantity Generator Requirements checklist.

OFF-SITE SHIPMENT OF HAZARDOUS WASTE

3.	Does the CESQG ensure delivery of hazardous waste(s) to an off-site permitted TSD? [3734.02(F)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
----	---	--

TREATMENT OF HAZARDOUS WASTE

4.	Does the generator treat hazardous waste in a:	
	a. Container that meets 3745-66-70 to 3745-66-77?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	b. Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C)?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	c. Drip pads that meet 3745-69-40 to 3745-69-45?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	d. Containment building that meets 3745-256-100 to 3745-256-102?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

NOTE: Complete appropriate checklist for each unit.

NOTE: If the CESQG conducts treatment they are subject to the LQG requirements.

NOTE: If waste is treated to meet LDRs, use LDR checklist.

MIX HAZARDOUS WASTE WITH USED OIL

5.	Does the CESQG mix its hazardous waste with used oil for the purpose of burning for energy recovery? [3745-51-05(J)] If so:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	a. Does the CESQG manage the mixture in accordance with 3745-279-21?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

**USED OIL INSPECTION CHECKLIST
GENERATORS, COLLECTION CENTERS AND AGGREGATION POINTS**

NOTE: 1. A facility is subject to the federal SPCC regulations (40 CFR 112) if it is non-transportation related (e.g., fixed) and has an aggregate above ground storage capacity greater than 1,320 gallons or a total underground storage capacity greater than 42,000 gallons of oil (including used oil), and there is reasonable expectation of a discharge to navigable waters.

2. Inspectors can check BUSTR's web-site at https://www.comapps.ohio.gov/sfm/fire_apps/bust/bustr/PublicInquiry.asp to determine if a UST containing used oil is registered with BUSTR. Inspectors may call BUSTR at 614-752-7938 or a BUSTR site coordinator to report an unregistered UST or a UST that appears to not be in compliance with BUSTR regulations. A list of BUSTR coordinators by county are at:

https://www.comapps.ohio.gov/sfm/fire_apps/bust/bustr/SearchByCounty.asp.

PROHIBITIONS

1.	Does the generator manage used oil in a surface impoundment or waste pile? If yes:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
----	---	--

a.	Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
----	---	--

NOTE: For example, used oil contaminated scrap metal stored in a pile.

2.	Is used oil used as a dust suppressant? [3745-279-12(B)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
----	--	--

3.	Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
----	---	--

NOTE: Multiple used oil checklists may be applicable if used oil handler is performing multiple tasks (e.g., if generating used oil and shipping directly to a burner, complete generator and marketer checklists at a minimum).

GENERATOR STANDARDS

4.	Does the generator mix hazardous waste with used oil? If so,	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
----	--	--

a.	Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
----	---	--

NOTE: Used Oil mixed with listed (3745-51-30 to 3745-51-35) or characteristic (3745-51-20 to 3745-51-24) hazardous waste are subject to regulation as a hazardous waste, unless the listed hazardous waste is listed solely because it exhibits a hazardous characteristic, and the resultant mixtures do not exhibit a characteristic. Mixtures of used oil and CESQG hazardous waste are subject to OAC Chapter 3745-279.

5.	Does the generator of a used oil containing greater than 1,000 ppm total halogens manage the used oil as a hazardous waste unless the presumption is rebutted successfully? [3745-279-21(B)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
----	--	--

NOTE: If used oil contains greater than 1000 ppm total halogens, it is presumed to be listed hazardous waste until the presumption is successfully rebutted.

6.	Does the generator store used oil in tanks; or containers; or a unit(s) subject to regulation as a hazardous waste management unit? [3745-279-22(A)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
----	--	--

7.	Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
----	---	--

8.	Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
----	--	--

9.	Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
----	--	--

a.	Stopped the release?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
----	----------------------	--

b.	Contained the release?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
----	------------------------	--

c.	Cleaned up and properly managed the used oil and other materials?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
----	---	--

d.	Repaired or replaced the containers or tanks prior to returning them to service, if necessary?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
----	--	--

ON-SITE BURNING IN SPACE HEATER		
10.	Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] If so:	
a.	Does the heater burn only used oil that owner/operator generates or used oil received from household do-it-yourself (DIY) used oil generators?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
b.	Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
c.	Are the combustion gases from heater vented to the ambient air?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
<i>NOTE: Ash accumulated in a space heater must be managed in accordance with 3745-279-10(E).</i>		
GENERATOR TRANSPORTATION		
11.	Does the generator have the used oil hauled only by transporters that have obtained a U.S. EPA ID#? [3745-279-24]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
12.	If the generator self-transported used oil to an approved collection site or to an aggregation point owned by the generator: [3745-279-24]	
a.	Does the generator transport used oil in a vehicle owned by the generator or an employee of the generator? [3745-279-24]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
b.	Does the generator transport more than 55 gallons of used oil at any time? [3745-279-24]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<i>NOTE: Used oil generators may arrange for used oil to be transported by a transporter without a U.S. EPA ID # if the used oil is reclaimed under a contractual agreement (i.e., tolling arrangement).</i>		
COLLECTION CENTERS AND AGGREGATION POINTS		
13.	Is the DIY used oil collection center in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-30]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
14.	Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
15.	Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<i>NOTE: Complete Used Oil Generator and any other applicable used oil handler checklist (e.g., marketer, burner, etc.) for used oil collection centers and aggregation points.</i>		